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#### **REMARKS**

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 1-12 are pending in the application. Claims 1, 11 and 12 were objected to. Claims 1-12 have been rejected. Claims 1, 2, 3, 11, and 12 have been amended. Applicants respectfully assert that the amendments to the claims add no new matter.

Claim 2 has been voluntarily amended for purposes of clarification. This amendment is not being made for reasons of patentability and does not narrow the scope of claim 2. Thus at least the amendment to claim 2 is not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc.*, as the amendment is not being made for reasons of patentability.

#### **The Interview**

Initially, Applicants wish to thank Examiner Mack for granting and attending the interview on October 22, 2003, with Applicants' representative, Caleb Pollack, Reg. No. 37,912, as an attorney of record on the application, and Rachel Bentov a representative of the assignee of the application. In the interview, Applicants' representatives discussed the priority claim of the application. Applicants' representatives agreed to investigate the priority claim. Applicants' representatives discussed with Examiner the claim objections in paragraph 2 of the Examiner's October 2, 2003 Office Action, and agreed to make amendments to correct typographical errors.

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Applicants' representatives and the Examiner discussed the Examiner's 35 U.S.C. section 112 rejections. Applicants' representatives disagreed with some of the Examiner's rejections, and discussed their disagreement with Examiner. Applicants' representatives proposed amendments, made variously to correct typographical errors, to further clarify what the Applicants regard as their invention, and with respect to some amendments, in response to Examiner's rejections. Collectively, after discussing the rejections and these proposed amendments, the Examiner agreed that the claims including the proposed amendments would be allowable over the prior art rejections of record. Applicants' representatives agreed to submit the proposed amendments in an Amendment, and thank the Examiner for indications of allowability.

#### **Priority**

In the Office Action the Examiner asserted that Applicants' claim for priority of the current application under 35 U.S.C. 119(a)-(d) cannot be based on PCT application PCT/IL00/00349 filed on June 15, 2000, because the U.S. application was filed more than 12 months thereafter.

Applicants assert that PCT/IL00/00349 was filed on June 15, 2000, and not on May 15, 2000 as was indicated in the filing receipt of the current application. Applicants have submitted on August 10, 2003 a Request for Corrected Filing Receipt requesting a correction of the mistaken filing date of PCT/IL00/00349. Applicants therefore request that Examiner allow the claim of priority under 35 U.S.C. 119(a)-(d) based on PCT/IL00/00349 filed June 15, 2000, claiming further priority from Israel Application 130486 filed on June 15, 1999.

#### **Claim Objections**

In the Office Action, the Examiner objected to claims 1, 11 and 12 because of informalities. Claims 1, 11 and 12 have been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

These amendments are not being made for reasons of patentability, and do not narrow the scope of the claims. These amendments at least are therefore not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v.*

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Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc., as the amendments are not being made for reasons of patentability.

## CLAIM REJECTIONS

### 35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 112, first and second paragraph, as failing to comply with the enablement requirement, and as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the in-person interview, amendments were agreed to by the Examiner that would overcome the rejection of claims 1-12 under 35 U.S.C. § 112, first and second paragraph. Applicants' representatives also expressed their belief that, with the exception of certain typographical errors, the claims were allowable and in conformance with section 112, without amendment. While that position is maintained here, Applicants are hereby amending the claims per the agreement with the Examiner.

Further to the agreement of the Examiner and the representatives of the Applicants at the above described interview and in order to clarify what Applicants regard as the invention, Applicants have amended claim 1.

Applicants note that the phrase "a reflecting means having a plurality of reflecting surfaces" as was cited in Examiners rejection of claim 1, does not appear in claim 1. Claim 1 as amended does not recite a "reflecting means" but does recite a configuration such that light is reflected in a certain manner. Regarding any issue of support or enablement, Applicants note that the specification describes an "optical window having a plurality of reflecting surfaces" in for example page 3, line 8, and page 5, lines 17-23. The specification further describes a possible structure, use and makeup of optical window, for example on page 5, line 17-20 and page 7, line 21-22.

Applicants note that the phrase "more than one receiving means" as was cited in Examiners rejection of claim 1, does not appear as an element in claim 1. Claim 1 as amended includes "a receiving means". "A receiving means" is supported in the

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specification. Per standard patent claim interpretation practice, claim 1, as originally submitted and as amended, may cover a system with one or more receiving means.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite as having insufficient antecedent basis for the limitation "the focal curve plane". Applicants have amended claim 1 to correct the typographic error relating to this element, and to clarify what Applicants regard as the invention. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel. Applicants therefore request that the rejection be withdrawn.

In the Office Action, the Examiner rejected claim 3 as being indefinite in respect of the positional relationship of the receiving means with respect to the focal curve. Applicants have amended claim 3 to correct such insufficient antecedent basis, and to clarify what Applicants regard as the invention. Corrected claim 3 requires that the receiving means is positioned in the proximity of a focal curve plane (a limitation recited in claim 1, from which claim 3 depends and the limitations of which claim 3 therefore includes), but not positioned on the focal curve itself. Applicants therefore assert that claim 3 is in conformance with 35 U.S.C. § 112.

As discussed, claim 1 as amended is allowable. Claims 2-12 depend directly or indirectly from independent claim 1, and therefore include all the limitations of claim 1. Applicants assert that 2-12 are likewise allowable.

Applicants therefore assert that the claims as originally submitted, and, per the agreement with the Examiner, as currently amended, are fully supported and enabled by the specification, in satisfaction of 35 U.S.C. section 112.

Applicants therefore request the Examiner to withdraw the rejections of claims 1-12 under 35 U.S.C. § 112, first and second paragraph.

### Conclusion

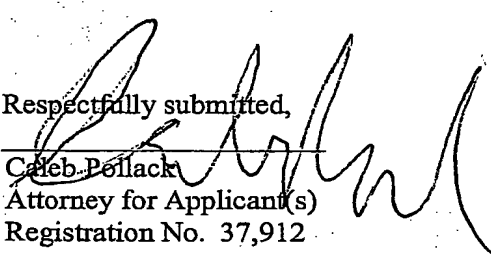
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due fees associated with this paper. However, if any such fees are due, please charge such to deposit account No. 05-0649.

Respectfully submitted,

  
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Dated: January 2, 2004

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